



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF CREATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, HEREBY CERTIFY THAT there has been filed in my office a notice of creation of the DESERET PEAK SPECIAL SERVICE DISTRICT, dated September 19<sup>th</sup>, 2006 complying with Section 17A-2-1311, Utah Code Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of creation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the DESERET PEAK SPECIAL SERVICE DISTRICT, located in Tooele County, State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah at Salt Lake City, this 24<sup>th</sup> day of October, 2006.



  
GARY R. HERBERT  
Lieutenant Governor

NOTICE TO THE LIEUTENANT GOVERNOR OF UTAH  
CONCERNING THE CREATION OF  
THE DESERET PEAK SPECIAL SERVICE DISTRICT

NOTICE IS HEREBY GIVEN THAT on September 19, 2006, the Board of Commissioners (the "Board") of Tooele County, Utah (the "County"), created a special service district to be called "Deseret Peak Special Service District" (the "District") for the purposes of providing water and sewer services. Pursuant to the provisions of the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated, 1953, as amended, and Article XI, Section 7 of the Constitution of Utah, the District may annually impose fees and charges to pay for all or a part of the services to be provided by the District. It may also annually levy taxes upon all taxable property within the District to provide the proposed services, and may issue bonds for the acquisition and/or construction of facilities or systems to provide said services, provided, however, that said levy to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose.

Pursuant to Title 17A, Chapter 2, Section 1311, Utah Code Annotated, 1953, as amended, the following information is provided for the Lieutenant Governor of Utah:

1. The County adopted Resolution No. 2006-16 on September 19, 2006 creating the District, a copy of said Resolution is attached hereto as Exhibit A.
2. The District shall have the boundaries described in Exhibit B attached hereto, including evidence of the District having been recorded by the County Clara Recorder.

THE COUNTY HEREBY CERTIFIES that all necessary legal requirements relating to the creation of the District have been completed.

THE COUNTY HEREBY REQUESTS issuance of a certificate of creation by the Lieutenant Governor of Utah, under Title 67, Chapter 1a, Section 6.5, Utah Code Annotated, 1953, as amended, for the Deseret Peak Special Service District.

IN WITNESS WHEREOF, Tooele County, Utah has caused this Notice to the Lieutenant Governor of Utah Concerning the Creation of Deseret Peak Special Service District to be given this September 19, 2006.

**Received**

TOOELE COUNTY, UTAH

OCT 20 2006

Gary S. Herben  
Lieutenant Governor

By   
Commission Chair/Tooele County

DMWEST #0305114 v1

EXHIBIT A  
CREATION RESOLUTION

DMWEST #0395113 v1

A-1

Tooele County, Utah

September 19, 2006

A regular meeting of the Board of Commissioners (the "Board") of Tooele County, Utah (the "County"), was held on Tuesday, September 19, 2006, at the hour of 3:00 p.m., at the regular meeting place of said Board, at which meeting there were present and answering roll call the following members who constituted a quorum:

Dennis Rockwell	Commission Chair
Colleen Johnson	Commissioner
Matthew Lawrence	Commissioner

Also present:

*Marilyn K. Gillette*  
~~Dennis D. Ewing~~  
 Douglas J. Ahlstrom

County Clerk, *Chief Deputy*  
 County Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this September 19, 2006, meeting, a copy of which is attached hereto as Exhibit A.

The County Clerk then stated that no additional protests had been received during the fifteen-day protest period following the August 22, 2006, protest hearing, that less than 50% of the qualified voters of the territory proposed to be included within the proposed special district and the owners of less than 50% of the assessed value (or taxable value) of the taxable property included within the proposed special service district have filed written protests against the establishment of said district or against the specified type of service, within said district, proposed to be furnished and that according to proceedings adopted at the August 22, 2006, meeting, the Board should now consider a resolution creating the District.

The following resolution was then introduced in written form, and after full discussion of the matter, pursuant to motion made by Board Member Johnson and seconded by Board Member Lawrence, was adopted by the following vote:

AYE: *Johnson, Lawrence, Rockwell*

NAY:

RESOLUTION NO. 2006-16

A RESOLUTION ESTABLISHING THE DESERET PEAK SPECIAL SERVICE DISTRICT, AUTHORIZING THE IMPROVEMENTS, PURPOSES AND SERVICES OF THE DISTRICT AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT; AND RELATED MATTERS.

BE IT RESOLVED by the Board of Commissioners of Tooele County, Utah:

Section 1. The Board of Tooele County, Utah has been presented with a petition requesting the provision of water and sewer services described in the Notice of Intention concerning the establishment of the Deseret Peak Special Service District (the "District").

Section 2. The Board has heretofore considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation of the District or the construction of any of the improvements therein, or on any other matter pertinent to the District.

Section 3. The Board hereby finds that less than 50% of the qualified voters of the territory proposed to be included within the proposed District and the owners of less than 50% of the assessed value (or taxable value) of taxable property included within the proposed District have filed written protests against the establishment of said District or against the specified type of service, within said District, proposed to be furnished.

Section 4. The improvements, purposes and services proposed and described in the Notice of Intention to create the District are hereby authorized, and the District is hereby created.

Section 5. The Board of Commissioners of Tooele County, Utah, shall control and have supervisory authority over all activities of the District, but may, in its discretion, delegate certain of its powers to an administrative control board as permitted by the Utah Special Service District, Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated 1953, as amended.

PASSED AND APPROVED this September 19, 2006.

By: [Signature]  
County Commissioner



[Signature]  
County Clerk

[Signature]  
Chief Deputy Clerk

Pursuant to Title 17A, Chapter 1, Section 102, Utah Code Annotated 1953, as amended, the County Clerk is hereby authorized to file with the Utah State Tax Commission a notice in substantially the form attached hereto as Exhibit B. In addition, pursuant to Title 17A, Chapter 2, Section 1311, Utah Code Annotated 1953, as amended, the County Clerk is hereby authorized to file with the Lieutenant Governor of the State of Utah a notice in substantially the form attached hereto as Exhibit C.

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting adjourned.

(SEAL)

By:   
County Commissioner

ATTEST:



By:   
County Clerk

*Marilyn K. Gillette*  
Chief Deputy Clerk

STATE OF UTAH )  
 : ss.  
COUNTY OF TOOELE )

*Marilyn K. Gillette* Chief Deputy  
I, ~~Dennis D. Ewing~~, the duly appointed and qualified County Clerk of Tooele County, Utah, do hereby certify as follows:

That the foregoing pages constitute a full, true and correct copy of the record of proceedings of the Board of Commissioners of Tooele County, Utah, held on Sept 19, 2006, insofar as said proceedings relate to the establishment of the Deseret Peak Special Service District as the same appears of record in my office. I personally attended said meeting, and the proceedings were in fact as specified in said minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Board this Sept 19, 2006.



By: *Marilyn K. Gillette*  
County Clerk

*Marilyn K. Gillette*  
Chief Deputy Clerk



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

*Marilyn K. Gillette* Chief Deputy  
I, ~~Dennis B. Ewing~~, the undersigned County Clerk of Tooele County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202(1), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the September 19, 2006, public meeting held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's principal offices on SEPT 13, 2006, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Tooele Bulletin on SEPT 13, 2006, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this Sept 19, 2006.



By: *Marilyn K. Gillette*  
County Clerk

*Marilyn K. Gillette*  
Chief Deputy Clerk

SCHEDULE 1

NOTICE OF MEETING

# TOOELE COUNTY CLERK

## TOOELE COUNTY COURTHOUSE

DENNIS D. EWING  
Tooele County Clerk

47 South Main Street  
Tooele, Utah 84074-2194  
(435)843-3140/Fax (435)882-7317  
www.co.tooele.ut.us/clerk.htm

MARILYN K. GILLETTE  
Chief Deputy Clerk

### NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN THAT THE TOOELE COUNTY COMMISSION WILL HOLD A REGULAR MEETING ON TUESDAY, SEPTEMBER 19, AT 3:00 P.M., IN ROOM 310, TOOELE COUNTY COURTHOUSE, 47 SOUTH MAIN STREET, TOOELE, UTAH. THE AGENDA IS:

1. ROLL CALL
2. MINUTES
3. TAX ADJUSTMENTS
4. BILLS
5. DESERET PEAK COMPLEX
6. ORDINANCE 2006-25 - REPEALING ORDINANCE 2002-22 AND AMENDING SECTION 24-5-3 OF THE TOOELE COUNTY LAND USE ORDINANCE REGARDING POLITICAL OR CAMPAIGN SIGNS
7. ORDINANCE 2006-26 - ENACTING CHAPTER 5, MITIGATION FEES, OF TITLE 9, BUSINESS LICENSE AND REGULATIONS, OF THE TOOELE COUNTY CODE, ESTABLISHING ANNUAL AUDITS OF MITIGATION FEES BY THE COUNTY AUDITOR
8. RESOLUTION 2006-15 - ADOPTING AN ECONOMIC DEVELOPMENT INVENTIVE POLICY
9. RESOLUTION 2006-16 - ESTABLISHING THE DESERET PEAK SPECIAL SERVICE DISTRICT, AUTHORIZING THE IMPROVEMENTS, PURPOSES, AND SERVICES OF THE DISTRICT AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT; AND RELATED MATTERS
10. VEHICLE PURCHASE FOR WEEDS DEPARTMENT
11. VEHICLE PURCHASE FOR ROAD SHOP
12. HIGH ORDER LEVEL LOOP IN PREPARATION FOR AERIAL PHOTOGRAPHY
13. VOTER OUTREACH GRANT APPROVAL - CLERK'S OFFICE
14. CONTRACT REVIEW
  - A) CONTRACT 05-06-05 - ENHANCED 911 SERVICE AGREEMENT - QUEST
  - B) CONTRACT 05-07-06 - MOU FOR INFORMATION EXCHANGE - DESERET CHEMICAL DEPOT
  - C) CONTRACT 05-07-05 - RIGHT-OF-WAY AND EASEMENT GRANT- QUESTAR
  - D) CONTRACT 05-07-12 - FREQUENCY RECONFIGURATION AGREEMENT - NEXTEL WEST CORPORATION
15. BOARD APPOINTMENTS
16. PUBLIC CONCERNS
17. ADJOURN

DATED THIS 19<sup>th</sup> DAY OF September, 2006

  
DENNIS D. EWING  
TOOELE COUNTY CLERK

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY DENNIS D. EWING, TOOELE COUNTY CLERK, AT 843-3140 PRIOR TO THE MEETING.

EXHIBIT B

NOTICE TO THE UTAH STATE TAX COMMISSION  
CONCERNING THE CREATION OF  
THE DESERET PEAK SPECIAL SERVICE DISTRICT

NOTICE IS HEREBY GIVEN THAT on September 19, 2006, the Board of Commissioners (the "Board") of Tooele County, Utah (the "County"), created a special service district to be called "Deseret Peak Special Service District" (the "District") for the purposes of providing water and sewer services. Pursuant to the provisions of the Utah Special Service District Act, Title 17A, Chapter 2, Part 13, Utah Code Annotated, 1953, as amended, and Article XI, Section 7 of the Constitution of Utah, the District may annually impose fees and charges to pay for all or a part of the services to be provided by the District. It may also annually levy taxes upon all taxable property within the District to provide the proposed services, and may issue bonds for the acquisition and/or construction of facilities or systems to provide said services, provided, however, that said levy to provide said services or to repay said bonds, must be authorized and approved by a majority of the qualified electors of the District at an election for that purpose.

Pursuant to Title 17A, Chapter 1, Section 102, Utah Code Annotated, 1953, as amended, the following information is provided for the Utah State Tax Commission:

1. The County adopted Resolution No. 2006-16 on September 19, 2006, creating the District, a copy of said Resolution is attached hereto as Exhibit A.
2. The District shall have the boundaries described in Exhibit B attached hereto, including evidence of the District having been recorded by the County Clerk.

THE COUNTY HEREBY CERTIFIES that all necessary legal requirements relating to the creation of the District have been completed.

IN WITNESS WHEREOF, Tooele County, Utah has caused this Notice to the Utah State Tax Commission Concerning the Creation of Deseret Peak Special Service District to be given this September 19, 2006.

TOOELE COUNTY, UTAH

By   
Commission Chair/Tooele County

DMWEST #0398113 v1

EXHIBIT C

NOTICE TO THE LIEUTENANT GOVERNOR OF UTAH  
CONCERNING THE CREATION OF  
THE DESERET PEAK SPECIAL SERVICE DISTRICT

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TOOELE COUNTY, UTAH

By   
Commission Chair/Tooele County

DMWEST #0395114 v1

**EXHIBIT B**

**RECORDED PROPERTY DESCRIPTION OF DISTRICT**

The District shall have the following boundaries:

All of Sections 2, 3, 10, and 11, Township 3 South, Range 5 West, Salt Lake Base and Meridian. Also, the West 1/2 and the West 1/2 of the East 1/2 of Sections 1 and 12, Township 3 South, Range 5 West, Salt Lake Base and Meridian.

EXHIBIT D

**LEGAL DESCRIPTION OF THE DESERET PEAK SPECIAL SERVICE DISTRICT:**

All of Sections 2, 3, 10, and 11, Township 3 South, Range 5 West, Salt Lake Base and Meridian. Also, the West 1/2 and the West 1/2 of the East 1/2 of Sections 1 and 12, Township 3 South, Range 5 West, Salt Lake Base and Meridian.

DMWEST #0398108 v1

D-1